

## **REMARKS**

Applicants respectfully request consideration of the application in view of the foregoing amendments and the following remarks.

Claims 2-5, 7, and 9-42 are canceled without prejudice to pursuing the subject matter of said claim in a later filed divisional application.

Claims 1, 6, 43, 48, and 49 are amended herein to limit the claims to subject matter elected herein and to correct errors in dependencies necessitated by canceled claims. The amendments are supported, *inter alia*, by the original claims. No new matter has been added by the amendments herein.

### ***Response to Restriction Requirement***

The Office Action states that restriction to one of the following inventions is required under 35 U.S.C. §§ 121 and 372:

The Office Action states that the application contains the following inventions or groups of inventions which are subject to restriction under 35 U.S.C. §§ 121 and 372:

- Group I, claims 1-4, 6, 8 and 43-50, drawn to a technical feature of a recombinant chimpanzee adenoviral vector.
- Group II, claims 22, 30, drawn to the technical feature of a method of eliciting an immune response in a mammal using the recombinant adenoviral vector of Group I.
- Group III, claims 35 and 42, drawn to the technical feature of a method of breaking host tolerance to using the recombinant adenoviral vector of Group I.

The Office Action further states that Applicant is required to elect a single one of these inventions to which the claims must be restricted.

By way of this response, Applicants elect Group I, claims 1-4, 6, 8, and 43-50, without traverse. This election is being made without prejudice to the prosecution of the non-elected claims in a related patent application(s). Applicants further elect the species of chimpanzee adenovirus type 3; represented by SEQ ID NO:1, without prejudice to the prosecution of the non-elected subject matter in a related patent application(s) .

***Summary***

Applicants assert all claims are in condition for allowance and a favorable action on the merits is earnestly solicited.

If the Examiner believes that a telephone conference would be of value, he is requested to call the undersigned attorney at the number listed below.

Respectfully submitted,

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